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FACSIMILE TRANSMITTAL SHEET

DATE: October 1, 2004  
TO: Examiner Savitri Mulpuri  
U.S. Patent and Trademark Office  
Re: U.S. Serial Number 10/721,065  
Fax No.: ~~571-273-1677~~ 703/812-9306  
FROM: Robert B. Murray

Number of Pages Including This Transmittal Sheet: 5

If any problems in connection with this facsimile, please contact: Cindy 202-624-1584

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I hereby certify that this document is being transmitted by facsimile to the Examiner of The United States Patent and Trademark office, telefax number 571/273-1677 on this date of my signature.

  
Cindy Brooks

October 6, 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/721,065  
Applicant : Matthias STRASSBURG et al  
Filed : November 24, 2003  
TC/A.U. : 2811  
Examiner : Savitri Mulpuri

Docket No. : 2921-111  
Customer No. : 6449  
Confirmation No. : 3273

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with telephone conversation with Examiner Mulpuri on September 30, 2004, Applicants herewith submit a signed terminal disclaimer.

The Commissioner is authorized to charge our Deposit Account No. 02-2135 for payment of the Terminal Disclaimer Fee.

Respectfully submitted,

By



Patrick T. Skacel  
Attorney for Applicants  
Registration No. 47,948  
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Date: October 1, 2004

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01/10 2004 13:03 FAX 030 21254822

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Examiner :

Docket No. : 2921-111  
Customer No. : 06449  
Confirmation No. : 3273

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Owners, Technische Universitaet Berlin, of Berlin, Germany, owner of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,673,641. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for

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Page 2

failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

**Statement under 37 C.F.R. 3.73(b)**

Technische Universitaet Berlin is the assignee of 100 percent interest in the instant application, by virtue of an assignment recorded in the U.S. Patent and Trademark Office in the parent application, Serial No. 10/111,661, at Reel 012980 and Frame 0637.

The undersigned, whose title is supplied below, is empowered to act on behalf of the owner.

**Declaration**

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

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Serial Number 10/721,085

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under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Technische Universität Berlin

By:   
Signature

Typed Name: Christian Kilger

Typed Title: CEO ipal GmbH

Date: 7. Okt. 2004

2821-111

**ipal**  
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